

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

**SHAUNNA SCHIMDT, and
TRISTEN PATTERSON, by and through his
Next Friend, SHAUNNA SCHIMDT,**

Plaintiffs,

vs.

No. CIV-07-995 RB/LAM

**OfficeMax North America, Inc. and
Albert Padilla,**

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S PROPOSED FINDINGS
AND RECOMMENDED DISPOSITION (Doc. 23)**

THIS MATTER is before the Court on the Magistrate Judge's *Sealed Proposed Findings and Recommended Disposition* (Doc. 111), filed on January 29, 2009. The parties have waived their right to object to the recommended disposition pursuant to 28 U.S.C. § 636(b)(1).

IT IS THEREFORE ORDERED that the Magistrate Judge's *Sealed Proposed Findings and Recommended Disposition* (Doc. 111) are **ADOPTED**, *Plaintiffs' [Sealed] Unopposed Motion to Adopt Report of Guardian ad Litem and Stipulation of Dismissal With Prejudice* (Doc. 104) is **GRANTED**, and all of Plaintiffs' claims against Defendants OfficeMax Incorporated and OfficeMax North America, Inc. are **DISMISSED with prejudice**.

IT IS FURTHER ORDERED that the guardian *ad litem*'s fees and costs be paid as described in the *Sealed Proposed Findings and Recommended Disposition* (Doc. 111).

IT IS FURTHER ORDERED that the parties notify the Court in writing of their intention regarding the default judgment against Defendant Padilla and/or the dismissal with prejudice of Plaintiff's claims against Defendant Padilla **within ten (10) days** after entry of this Order.

IT IS SO ORDERED.



ROBERT C. BRACK
UNITED STATES DISTRICT JUDGE